

REMARKS

Claims 1-9 are all the claims pending in the application.

Claim Rejections Under 35 U.S.C. § 112:

Of these claims, claim 9 is rejected under 35 U.S.C. § 112 (second paragraph) as being indefinite for failing to particularly point out and distinctly claim the subject invention. Claim 9 has been canceled.

Claim Rejections Under 35 U.S.C. § 103:

Claims 1-3 and 7-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tschiderer (U.S. Patent No. 5,363,998) in view of Ladds (U.S. Patent No. 4,155,643) and Haydock (U.S. Patent No. 2,963,761). Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Tschiderer in view of Ladds and Yamada (U.S. Patent No. (6,714,326). Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Tschiderer in view of Ladds and Firl (U.S. Patent No. 5,454,553). Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Tschiderer in view of Ladds and Yamada (JP 8-337349).

By way of this Amendment, Applicant has amended the claims to improve their overall clarity, without limiting the scope of protection thereof. For the following reasons, it is submitted that the claims patentably distinguish over the prior art.

Claim 1 recites:

said rear wall comprises hooking means configured to cooperate with feet of a folding and inserting machine for connecting the receiving device to the folding and inserting machine

Applicant maintains that the Examiner has mischaracterized the teachings of the prior art and has therefore failed to establish a *prima facie* case of obviousness. In particular, on the one

hand the Examiner asserts that the primary reference, Tschiderer, teaches the claimed “hooking means”, but on the other hand acknowledges that there is no teaching in Tschiderer that the hooking means are “configured to cooperate with feet of a folding and inserting machine for connecting the receiving device to the folding and inserting machine.” After mischaracterizing the teachings of Tschiderer re the hooking means, the Examiner asserts that the clips disclosed in Haydock are equivalent to the “hooking means” disclosed in Tschiderer.

The problem with the Examiner’s analysis is that Tschiderer does not teach or suggest any type of hooking means. Indeed, in the Office Action, the Examiner points to the alleged “hooking means” of Tschiderer. But even a cursory review of this figure demonstrates that there is no hook whatsoever in Tschiderer. Thus, it is improper for the Examiner to assert that Tschiderer discloses any type of hooking means. Nor is there any support for the Examiner’s assertion that the attaching arrangement of Tschiderer is equivalent to the hook of Haydock.

Further, the Examiner’s assertion that it would have been obvious to one of ordinary skill in the art to include the tray clip of Haydock is unsupported. Specifically, since there is no teaching or suggestion in Tschiderer of hooking the tray to feet or legs of an adjacent device, there would be no reason to modify the attachment structure of Tschiderer to include the clip of Haydock. The Examiner states that the reason for the motivation is “for the purpose of attaching the tray to cylindrical legs.” However, where in Tschiderer is there cylindrical legs to which the tray is to be attached?

According to the invention, the hooking means are necessary on the rear wall and as explained previously Tschiderer does not show such hooking means configured to cooperate with the feet of the machine.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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23373

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Date: April 7, 2008